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LEGISLATIVE
TESTIMONY
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**Model Street Vendors
(Protection of Livelihood and
Regulation of Street Vending) Act**

2022



**Centre for
CIVIL
SOCIETY**

SOCIAL CHANGE THROUGH PUBLIC POLICY



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TESTIMONY

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The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act

ACT NO. 7

An Act to protect the rights of urban street vendors, prevent harassment of street vendors and to regulate street vending activities and for matters connected therewith or incidental thereto.¹

Be it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

1. The Model Act and the Rationale Chart incorporate all the proposed amendments to the Street Vendors Act, 2014 and as a result, the numbering of sections and chapters in these documents do not correspond to the numbering in the Street Vendors Act, 2014.

CHAPTER I

PRELIMINARY

1. Short title, extent, commencement and provisions

- (1) This Act may be called the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014.
- (2) It extends to the whole of India
- (3) It shall come into force on such date² as the Central Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different States and any reference in any provision to the commencement of this Act shall be construed in relation to any State as a reference to the coming into force of that provision in that State.
- (4) The provisions of this Act shall not apply to any land, premises and trains owned and controlled by the Railways under the Railway Act, 1989 (24 of 1989).

2. Definitions

- (1) In this Act, unless the context otherwise requires,—
 - (a) “appropriate government” means in respect of matters relating to,—
 - (i.) a Union territory without Legislature, the Central Government;
 - (ii.) the Union territories with Legislature, the Government of the National Capital Territory of Delhi or, as the case may be, the Government of Union territory of Puducherry;

2. 1st May, 2014, vide notification No. S.O. 1185 (E), dated 1st May, 2014, see Gazette of India, Extraordinary, Part II, Sec. 3(ii).

- (iii.) a State, the State Government;
- (ab) “association of street vendors” means an association or group of street vendors, by whatever name called, registered under any law for the time being in force.
 - (ac) “heritage markets” are natural markets where street vendors have conducted business for over fifty years;
 - (b) “holding capacity” means the maximum number of street vendors who can be accommodated in any vending zone and has been determined as such by the local authority but not less than two and half percent of the population of the ward or zone or town or city, as the case may be;
 - (c) “local authority” means a Municipal Corporation or a Municipal Council or a Nagar Panchayat, by whatever name called, or the Cantonment Board, or as the case may be, a civil area committee appointed under section 47 of the Cantonment Act, 2006(41 of 2006) or such other body entitled to function as a local authority in any city or town to provide civic services and regulate street vending and includes the “planning authority” which regulates the land use in that city or town;
 - (d) “mobile vendors” means street vendors who carry out vending activities in designated area by moving from one place to another place vending their goods and services.
 - (e) “natural market” means a market where sellers and buyers have traditionally congregated for the sale and purchase of products or services for more than seven years and has been determined as such by the local authority;
 - (f) “notification” means a notification published in the Official Gazette and the term “notify” shall be construed accordingly;
 - (g) “planning authority” means an Urban Development Authority or any other authority in any city or town designated by the appropriate Government as responsible for regulating the land use by defining the precise extent of areas for any particular activity in the master plan or development plan or zonal plan or layout plan or any other spatial plan which is legally enforceable under the applicable Town and Country Planning Act or the Urban Development Act or the Municipal Act, as the case may be;
 - (h) “prescribed” means prescribed by rules made under this Act by the appropriate Government;
 - (i) “schedule” means the schedule annexed to this Act;
 - (j) “scheme” means a scheme framed by the appropriate Government under section 38;
 - (k) “stationary vendors” means street vendors who carry out vending activities on regular basis at a specific location;
 - (l) “street vendor” means a person engaged in vending of articles, goods, wares, food items or merchandise of everyday use or offering services to the general public,

in a street, lane, sidewalk, footpath, pavement, public park or any other public place or private area, from a temporary built up structure or by moving from place to place and includes hawker, peddler, squatter and all other synonymous terms which may be local or region specific; and the words “street vending” with their grammatical variations and cognate expressions, shall be construed accordingly; and includes a person vending without a certificate of vending subject to sub-section (3) of Section 3 read with sub-section (2) of section 18 of this Act;

- (m) “Town Vending Committee” means the body constituted by the appropriate Government under section 22;
- (n) “vending zone” means an area or a place or a location in use by street vendors for street vending and includes footpath, sidewalk, pavement, embankment, portions of a street, waiting area for public or any such place considered suitable for vending activities and providing services to the general public.

(2) Any reference in this Act to any enactment or any provision thereof, shall, in relation to an area in which such enactment or such provision is not in force be construed as a reference to the corresponding law, if any, in force in that area.

CHAPTER II

REGULATION OF STREET VENDING

3. Survey of street vendors and protection from eviction or relocation

- (1) The Town Vending Committee shall, within such period and in such manner as may be specified in the scheme, conduct a survey of all existing street vendors, or engage a professional agency to conduct the survey, within the area under its jurisdiction, and subsequent survey shall be carried out at least once in every five years.
- (2) The Town Vending Committee shall ensure that all existing street vendors, identified in the survey, are accommodated in the vending zones subject to the holding capacity of the vending zones.
- (3) No street vendor shall be evicted or, as the case may be, relocated till the survey specified under sub-section (1) has been completed and the certificate of vending is issued to all street vendors.
- (4) If no survey under subsection (1) has been completed in the last five years, then a local association of street vendors in a vending zone may conduct a survey of the street vendors in the vending zone.
- (5) The local association of street vendors may submit the survey report conducted under sub-section (4) to the Town Vending Committee and the local authority along with an application for the issuance of certificate of vending to the street vendors.
- (6) The survey conducted by a local association of street vendors in a vending zone

under subsection (4) shall be treated at par with a survey to be conducted under subsection (1) for all purposes.

4. Issue of certificate of vending

- (1) Every street vendor, identified under the survey carried out under sub-section (1) or sub-section (4) of section 3, who has completed the age of fourteen years or such age, or as may be prescribed by the appropriate Government, or a beneficiary under any central or state scheme meant for street vendors, shall be issued a certificate of vending by the Town Vending Committee, within the period specified in the scheme not exceeding thirty days from the date of completion of survey.

Provided that a person, whether or not included under the survey under sub-section (1) of section 3, who has been issued a certificate of vending before the commencement of this Act, whether known as licence or any other form of permission (whether as a stationary vendor or a mobile vendor or under any other category) or a beneficiary under any central or state scheme meant for street vendors shall be deemed to be a street vendor.

- (2) Where, in the intervening period between two surveys, any person applies for a certificate of vending, the Town Vending Committee may grant a certificate of vending to such person, during the intervening period between two surveys subject to the scheme, and the holding capacity of the vending zones.
- (3) Where the number of street vendors identified under sub-section (1) or the number of persons seeking to vend under sub-section (2) are more than holding capacity of the vending zone, the Town Vending Committee shall give preference to the street vendors identified under sub-section (1) based on seniority and carry out a draw of lots for persons seeking to vending under sub-section (2) for issuing the certificate of vending for that vending zone and the remaining persons shall be accommodated in any adjoining vending zone to avoid relocation.

4A. Natural Market and Heritage Market

- (1) A local authority may declare a vending zone as a natural market or a heritage market, as the case may be, based on the survey under sub-section (1) or (4) of section 3.
- (2) A local association of street vendors, or a group of 10 vendors, from a vending zone may apply to the local authority for declaring the vending zone as a natural market or heritage market, as the case may be, based on the survey under sub-section (1) or (4) of section 3 along with relevant evidence.
- (3) The local authority shall, upon the receipt of appropriate evidence under sub-section (2) of this section, shall make an order declaring a market as a natural

market or a heritage market, as the case may be, or a refusal thereof.

Provided that any order refusing to declare a market as a natural market or a heritage market, upon the receipt of appropriate evidence under sub-section (3) of this section, shall provide reasons for such refusal.

- (4) An appeal against the order of the local authority under sub-section (3) of this section shall lie with the Grievance Redressal Cell under section 20 of this Act.

5. Conditions for issue of certificate of vending

- (1) A local authority or a Town Vending Committee shall not ask for a proof of domicile, or a local permanent address for the issue of certificate of vending.
- (2) Where a street vendor to whom a certificate of vending is issued dies or suffers from any permanent disability or is ill, his nominee, or one of his family member in following order of priority, may vend in his place, till the validity of the certificate of vending—
 - (a) spouse of the street vendor;
 - (b) dependent child of the street vendor:

Provided that where a dispute arises as to who is entitled to vend in the place of the vendor, the matter shall be decided by the Grievance Redressal Cell under section 20.

6. Categories of certificate of vending and issue of identity cards

- (1) The certificate of vending shall be issued under any of the following categories, namely:—
 - (a) a stationary vendor;
 - (b) a mobile vendor; or
 - (c) any other category as may be specified in the scheme.
- (2) The certificate of vending issued for the categories specified in sub-section (1) shall be in such form, and issued in such manner, as may be specified in the scheme and specify the vending zone where the street vendor shall carry on his vending activities, the days and timings for carrying on such vending activities, the grounds for cancellation and suspension of the certificate of vending under section 10 of this Act and the grounds for imposition of penalties under section 28 of this Act.
- (3) Every street vendor who has been issued a certificate of vending under sub-section (1) shall be issued identity cards in such form and manner as may be specified in the scheme.

7. Criteria for issuing certificate of vending

The criteria to be followed by the Town Vending Committee for issuing certificate of vending to a street vendor shall be as specified in the scheme, which may, apart from other things, provide for preference to the Scheduled Castes, the Scheduled Tribes, Other Backward Classes, women, persons with disabilities, minorities or such other categories as may be specified in the scheme.

8. Vending fees

- (1) Every street vendor who has been issued a certificate of vending shall pay such vending fees as subject to a formula specified in the scheme;

Provided that the formula may factor in variables such as the circle rate as applicable to the zone and the prevailing market rental price in the zone.

- (2) A local association of street vendors may deposit the consolidated fee for all the street vendors of a vending zone.

9. Validity and renewal of certificate of vending

- (1) Every certificate of vending shall be valid for such period as may be specified in the scheme.
- (2) Every certificate of vending shall be deemed renewed on payment of such fees, as may be specified in the scheme.

10. Cancellation or suspension of certificate of vending

Where a street vendor who has been issued a certificate of vending under this Act commits breach of any of the conditions specified on the certificate of vending under sub-section (2) of section 6, or where the Town Vending Committee is satisfied that such certificate of vending has been secured by the street vendor through misrepresentation or fraud, the Town Vending Committee may, without prejudice to any other fine which may have been incurred by the street vendor under this Act, cancel the certificate of vending or suspend the same in such manner and for such period as may be specified in the scheme.

Provided that no such cancellation or suspension shall be made by the Town Vending Committee unless an opportunity of hearing has been given to the street vendor.

Provided that the suspension or cancellation shall not be disproportionate to the nature and extent of breach of conditions or provisions in the Act.

CHAPTER IIA

DISPOSAL OF APPLICATIONS

10A. Disposal of applications made to the Town Vending Committee or the local authority

- (1) All applications made to the Town Vending Committee or the local authority under this Act must be made in the manner prescribed.
- (2) An application shall be instantly acknowledged on its receipt.
- (3) The applicant shall not be asked for additional information after one week from the date of application.
- (4) A request to the applicant for additional information or documents must be accompanied with reasons stating the relevance of the additional information sought.
- (5) An application must be determined within thirty days from the date the application was received.
- (6) A show cause notice must be issued to the applicant before rejecting an application.
- (7) In case a reply to the show cause notice is not found to be satisfactory, an application may be rejected by passing a reasoned order after hearing the applicant.
- (8) In case an application is approved, the approval order must state the scope of approval, the time-period for which the approval is effective and the provisions under which the approval is granted.

CHAPTER III

RIGHTS AND OBLIGATIONS OF STREET VENDORS

11. Rights of street vendors

- (1) Every street vendor shall have the right to carry on the business of street vending activities subject to subsection (2) of section 6 of this Act.
- (2) Notwithstanding anything contained in sub-section (1), where any area or space, as the case may be, has been earmarked as a no-vending zone, no street vendor shall carry out any vending activities in that zone.

12. Right of street vendor for a new site or area on relocation

Every street vendor, who possesses a certificate of vending, shall, in case of his relocation under section 18, be entitled for new site or area, as the case may be, for carrying out his vending activities as may be determined by the local authority, in consultation with the Town Vending Committee.

13. Duty of street vendors

Where a street vendor occupies space on a time sharing basis, he shall remove his goods and wares every day at the end of the time-sharing period allowed to him.

14. Maintenance of cleanliness and public hygiene

Every street vendor shall maintain cleanliness and public hygiene in the vending zones and the adjoining areas.

15. Maintenance of civic amenities in vending zone in good condition

Every street vendor shall maintain civic amenities and public property in the vending zone in good condition and not damage or destroy or cause any damage or destruction to the same.

16. Payment of maintenance charges

Every street vendor shall pay such periodic maintenance charges for the civic amenities and facilities provided in the vending zones as may be determined by the local authority.

CHAPTER III A

DUTIES AND RESPONSIBILITIES OF PUBLIC OFFICIALS

16A. Duties and responsibilities of the local authority, Town Vending Committee and police officials

Each local authority, Town Vending Committee and police official shall promote and protect the rights of street vendors, in accordance with the provisions of this Act and the principles contained in the First Schedule.

CHAPTER IV

RELOCATION AND EVICTION OF STREET VENDORS

17. Relocation or eviction of street vendors

- (1) The local authority may, on the recommendations of the Town Vending Committee, declare a zone or part of it to be a no-vending zone for any public purpose and relocate the street vendors vending in that area, in accordance with section 21.
- (2) The local authority shall evict such street vendor whose certificate of vending has been cancelled under section 10; or who does not have a certificate of vending and vends without such certificate subject to sub-section (3) of section 3, in such manner as may be specified in the scheme.
- (3) No street vendor shall be relocated or evicted by the local authority from the place specified in the certificate of vending unless he has been given thirty days' notice for the same in such manner as may be specified in the scheme.
- (4) A street vendor shall be relocated or evicted by the local authority physically in such manner as may be specified in the scheme only after he had failed to vacate the place specified in the certificate of vending, after thirty days.
- (5) Every street vendor who fails to relocate or vacate the place specified in the certificate of vending, after the expiry of thirty days, shall be liable to pay for every day of such default, a penalty which may extend up to two hundred and fifty rupees, as may be determined by the local authority, but shall not be more than the value of goods seized.

18. Seizure and reclaiming of goods

- (1) If the street vendor fails to vacate the place specified in the certificate of vending, after thirty days under sub-section (3) of section 18, the local authority, in addition to evicting the street vendor under section 18, may, if it deems necessary, seize the goods of such street vendor in such manner as may be specified in the scheme:

Provided that where any such seizure is carried out, a list of goods seized shall be prepared, as specified in the scheme, and a copy thereof, duly signed by the person authorised to seize the goods, shall be issued to the street vendor.

- (2) The street vendor whose goods have been seized under sub-section (1) may, reclaim his goods in such manner, and after paying such fees, as may be specified in the scheme:

Provided that in case of non-perishable goods, the local authority shall release the goods within two working days of the claim being made by the street vendor and in case of perishable goods the local authority shall release the goods on the same day of the claim being made by the street vendor.

CHAPTER V

GRIEVANCE REDRESSAL MECHANISM

19. Redressal of grievances of street vendors

The appropriate Government shall, by notification, within six months of notification of this amendment in the official gazette, constitute one or more grievance redressal cells to hear the grievances of a street vendor, or any association of street vendors, within its jurisdiction, against any action, omission, decision or an order made by the Town Vending Committee, local authority, or police or an official, employee or member thereof under this Act.

19A. Constitution

- (1) The grievance redressal cell shall consists of:
 - (a) ombudsperson(s) as required, who has been a person of eminence in public life with wide knowledge and experience in law, social service, management, journalism, mass media or administration and governance and who has an experience of minimum 10 years;
 - (b) senior ombudsperson(s) as required, who has been a person of eminence in public life with wide knowledge and experience in law, social service, management, journalism, mass media or administration and governance, and who has an experience of minimum 15 years:

Provided no current or former employee, consultant or empanelled advocate of the appropriate Government or the local authority shall be appointed in the grievance redressal cell.

- (2) The allowances and salaries payable to, and terms and conditions of service of the ombudsperson(s) and senior ombudsperson appointed under sub-section (2) of this section shall be as prescribed.

19B. Staff

- (1) The Appropriate Government shall provide officers and employees as necessary for the efficient functioning of the grievance redressal cell.
- (2) The allowances and salaries payable to, and the terms and conditions of service of the officers and other employees appointed for the purpose of this Act shall be as prescribed.

19C. Procedure

- (1) A Grievance Redressal Cell may formulate the procedure based on the model procedure as prescribed.
- (2) The procedure shall be in accordance with the principles of natural justice and in the interests of procedural efficiency.
- (3) A street vendor who has a grievance may submit a complaint in writing to the Grievance Redressal Cell.
- (4) A complaint shall be marked to the ombudsperson and an appeal to the senior ombudsperson.
- (5) An ombudsperson or the senior ombudsperson shall record the reasons in detail if a complaint or an appeal is not resolved or disposed of within thirty days from the date of filing.

19D. Powers

The ombudsperson(s) or the senior ombudsperson, as the case may be, shall have, for the purposes of discharging its functions under this Act, the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (5 of 1908), in respect of the following matters, namely:

- (1) summoning and enforcing the attendance of persons and compel them to give oral or written evidence on oath and to produce the documents or things;
- (2) requiring the discovery and inspection of documents;
- (3) receiving evidence on affidavit;

- (4) requisitioning any public record or copies thereof from any court or office;
- (5) issuing summons for examination of witnesses or documents; and
- (6) any other matter which may be prescribed.

19E. Order

- (1) The ombudsperson or the senior ombudsperson, as the case may be, after hearing both parties to the dispute shall make an order to:-
 - (a) dismiss the complaint or an appeal, as the case may be, if found unreasonable;
 - (b) direct the Town Vending Committee, the local authority, or the police, as the case may be, to grant the vendor their due rights;
 - (c) compensate the street vendor to the extent of pecuniary loss suffered by the vendor, or twice the vending fee paid by the vendor, whichever is higher;
 - (d) penalize the concerned person for harassment under section 26(A) of this Act.
- (2) The order shall be a reasoned order.
- (3) No order shall be passed without hearing the affected party.
- (4) An order shall be executable as a decree of Civil Court.
- (5) A wilful non-compliance with an order shall be punishable with fine as prescribed, not exceeding twenty five thousand rupees.

19F. Appeal

- (1) A person aggrieved by the order passed by the senior ombudsperson, may approach the High Court having jurisdiction to challenge the order within 30 days of receipt of the order.
- (2) An appeal may be admitted beyond the period of 30 days if there is a reasonable cause for delay.

19G. Jurisdiction of Courts

Where the appropriate government has not constituted a grievance redressal cell in a district or where the grievance redressal cell is not functional due to pending vacancies or for any other reason, then:

- (1) the Court of Metropolitan Magistrate or equivalent shall have the jurisdiction to decide the complaints of street vendors under section 27 and 28 A of this Act..

- (2) the Court of Senior Civil Judge shall have the jurisdiction to decide all disputes, except under section 27 and 28A.

19H. Data disclosure

- (1) The Grievance Redressal Cell shall maintain a publicly accessible database of grievances and appeals including the following details:
 - (a) total number of grievances and appeals categorised by vending zone/ward/zone, issue and other relevant parameters;
 - (b) the average cost per grievance and appeal incurred by complainants, respondents or the committee;
 - (c) average time taken for redressal per grievance or appeal;
 - (d) number of grievances and appeals received and disposed of in a year;
- (2) The Grievance Redressal Cell shall prepare an annual report with a consolidated summary of the data under subsection (1) and its recommendations.
- (3) The Grievance Redressal Cell shall forward the annual report to the elected body of the local authority, headed by the Mayor, President or the Chairman, as the case may be.

19I. Finance, accounts and audits

- (1) The appropriate Government shall, after due appropriation made by Legislature by law in this behalf, pay to the Grievance Redressal Cell by way of grants such sums of money as the Appropriate Government may think fit for being utilised for the purposes of this Act.
- (2) The Grievance Redressal Cell shall maintain proper accounts and other relevant records and prepare an annual financial statement of accounts in a manner as prescribed.
- (3) The accounts of the Grievance Redressal Cell shall be audited at such intervals as prescribed and any expenditure incurred in connection with such audit shall be payable by the Grievance Redressal Cell.
- (4) The certified accounts of the Grievance Redressal Cell, together with the audit report thereon, shall be forwarded at the end of each year to the elected body of the local authority, headed by Mayor, President or the Chairman, as the case may be.

CHAPTER VI

ZONING AND RELOCATION

20. Principles for zoning and relocation

- (1) A local authority may determine a no-vending zone subject to the following principles, namely:—
 - (a) A natural market or a heritage market as identified under the survey shall not be declared as a no-vending zone;
 - (b) Overcrowding of any place shall not be a basis for declaring any area as a no-vending zone provided that restrictions may be placed on issuing certificate of vending in such areas to persons not identified as street vendors in the survey;
 - (c) Sanitary concerns shall not be the basis for declaring any area as a no-vending zone unless such concerns can be solely attributed to street vendors and cannot be resolved through appropriate civic action by the local authority;
 - (d) Till such time as the survey has not been carried out and the plan for street vending has not been formulated, no zone shall be declared as a no-vending zone.
 - (e) A zone shall not be declared as a no-vending-zone unless the local authority reasonably restricts other private uses of public space as well in the zone.
 - (f) The local authority shall publish the draft of the declaration along with the evidence supporting their reasons for determining a zone as a no vending zone.

- (g) The local authority shall invite objections from the general public including street vendors before the determination.
 - (h) An order determining a no-vending zone shall be in writing with reasons.
- (2) Relocation of street vendors shall be subject to the following principles:
- (a) relocation must not displace more than necessary number of street vendors;
 - (b) relocation should be avoided as far as possible, unless there is clear and urgent need for the land in question;
 - (c) affected vendors or their representatives shall be involved in planning and implementation of the rehabilitation project;
 - (d) affected vendors shall be relocated so as to improve their livelihood and standards of living or at least to restore them, in real terms to pre-evicted levels;
 - (e) livelihood opportunities created by new infrastructure development projects shall accommodate the displaced vendors so that they can make use of the livelihood opportunities created by the new infrastructure;
 - (f) loss of assets shall be avoided and in case of any loss, it shall be compensated;
 - (g) any transfer of title or other interest in land shall not affect the rights of street vendors on such land, and any relocation consequent upon such a transfer shall be done in accordance with the provisions of this Act;
 - (h) state machinery shall take comprehensive measures to check and control the practice of forced evictions;
 - (i) street vendors in heritage markets shall not be relocated.
 - (j) If a street vendor is relocated in violation of any of the provisions, the street vendor shall be entitled to adequate compensation and restitution.

CHAPTER VII

TOWN VENDING COMMITTEE

21. Town Vending Committee

- (1) The appropriate Government may, by rules made in this behalf, provide for the term and the manner of constituting a Town Vending Committee in each local authority:

Provided that the appropriate Government may, if considers necessary, provide for the constitution of more than one Town Vending Committee, in each local authority.

- (2) Each Town Vending Committee shall consist of:—
 - (a) Municipal Commissioner or Chief Executive Officer, as the case may be, who shall be the Chairperson; and
 - (b) such number of other members as may be prescribed, to be nominated by the appropriate Government, representing the local authority, medical officer of the local authority, the planning authority, traffic police, police, association of street vendors, market associations, traders associations, non-governmental organisations, community based organisations, resident welfare associations, banks and such other interests as it deems proper;
 - (c) the number of members nominated to represent the non-governmental organisations and the community based organisations shall not be less than ten per cent.;

- (d) the number of members representing the street vendors shall not be less than forty per cent. who shall be elected by the street vendors themselves.

Provided that one-third of members representing the street vendors shall be from amongst women vendors:

Provided further that due representation shall be given to the Scheduled Castes, the Scheduled Tribes, Other Backward Classes, minorities and persons with disabilities from amongst the members representing street vendors.

- (3) The Chairperson and the members nominated under sub-section (2) shall receive such allowances as may be prescribed by the appropriate Government.

22. Meetings of Town Vending Committee

- (1) The Town Vending Committee shall meet at such times and places within the jurisdiction of the local authority and shall observe such rules of procedure in regard to the transaction of business at its meetings, and discharge such functions, as may be prescribed.
- (2) Every decision of the Town Vending Committee shall be notified along with the reasons for taking such a decision.

23. Temporary association of persons with Town Vending Committee for particular purposes

- (1) The Town Vending Committee may associate with itself in such manner and for such purposes, as may be prescribed, any person whose assistance or advice it may desire, in carrying out any of the provisions of this Act.
- (2) A person associated under sub-section (1) shall be paid such allowances as maybe prescribed.

24. Office space and other employees for Town Vending Committee

The local authority shall provide the Town Vending Committee with appropriate office space and such employees as may be prescribed.

25. Data-base and carrying out of social audit

- (1) Every Town Vending Committee shall maintain up to date records of registered street vendors and street vendors to whom certificate of vending has been issued containing name of such street vendor, stall allotted to him, nature of business carried out by him, category of street vending and such other particulars which may be relevant to the street vendors, in such manner as may be prescribed.

- (2) Every Town Vending Committee shall carry out social audit of its activities under the Act or the rules or the schemes made there under in such form and manner as may be specified in the scheme.

CHAPTER VIII

PREVENTION OF HARASSMENT OF STREET VENDORS

26. Prevention of harassment by police and other authorities

- (1) Notwithstanding anything contained in any other law for the time being in force, no street vendor who carries on the street vending activities in accordance with the conditions specified in sub section (2) of section 6 shall be prevented from exercising such rights by any police or any other authority exercising powers under any other law for the time being in force except according to procedure under this Act.
- (2) If a member, officer or an employee of Town Vending committee, local authority, police or any other authority has, without any reasonable cause, prevented a street vendor from exercising any rights under this Act, or not performed a duty specified under this Act, or malafidely rejected an application made under this Act, or knowingly given incorrect, incomplete or misleading reasons for rejection of an application, it shall amount to harassment.
- (3) Relocation or eviction in derogation of section 18 or the provisions of the scheme made thereunder shall amount to harassment.
- (4) Seizure in derogation of section 18 and section 19 or the provisions of the scheme made thereunder shall amount to harassment.

CHAPTER IX

PENAL PROVISIONS

28. Penalty for contraventions

- (1) If any street vendor—
 - (a) indulges in vending activities after the certificate of vending has been suspended or cancelled under Section 10 of this Act;
 - (b) fails to relocate or vacate the place after the expiry of thirty days under subsection (5) of Section 18 of this Act;
 - (c) fails to pay the vending fees, if specified in the scheme, under section 8 of this Act;

He shall be liable to a penalty for each such offence, which may extend up to twice the amount of vending fees payable by the vendor or rupees two thousand, whichever is less.

28A. Penalty for harassment

- (1) Where the ombudsperson or the senior ombudsperson, as the case may be, at the time of deciding any grievance, complaint or appeal is of the opinion that a vendor has been harassed, it shall impose a penalty equivalent to twice the monthly vending fee payable or the extent of pecuniary loss suffered by the aggrieved vendor, whichever is higher, on the accused.
- (2) For repeat violation, the ombudsperson or the senior ombudsperson, as the case may be, shall recommend disciplinary action against the accused under the service rules applicable to him, in addition to imposing the penalty.
- (3) An accused shall be heard before any penalty is imposed.

- (4) The burden of proving that the accused acted reasonably and diligently shall be on the accused.

28B. Additional recourse

A street vendor may take recourse to section 384 of the Indian Penal Code, in addition to section 28A.

CHAPTER X

MISCELLANEOUS

28. Provisions of this Act, not to be construed as conferring ownership rights, etc

- (1) Nothing contained in this Act shall be construed as conferring upon a street vendor any temporary, permanent or perpetual right of carrying out vending activities in the vending zones allotted to him or in respect of any place on which he carries on such vending activity.
- (2) Nothing contained in sub-section (1) shall apply to any stationery vendor, if a temporary leasehold or ownership right has been conferred on him by a lease deed or otherwise, in respect of a place at specific location where he carries on such vending activity in accordance with the provisions of any law for the time being in force for carrying out such vending activity.

29. Annual Report

- (1) Each local authority and the Town Vending Committee shall prepare and submit an annual report, to the elected body of the local authority, headed by Mayor, President or the Chairman, as the case may be, within thirty days from the end of a financial year.
- (2) The annual report must be in such form as may be prescribed, and must give a true and full account of the implementation of the Act in the previous financial year, including –
 - (a) a review of local authority's and Town Vending Committee's performance, as the case may be, in relation to the discharge of its functions and the achievement of its objectives under this Act based on the systems of measurement referred to under sub-section (3);
 - (b) all information that is necessary to understand the discharge of functions and the achievement of the objectives of this Act, that has been published by the local authority;
 - (c) all information that the local authority is required to be published along

with the annual report under this Act;

- (d) a statement of the deliberations of the local authority, accompanied by the records of meetings of the town vending authority;
 - (e) a statement indicating any statutory obligation that the local authority or town vending authority has not complied with, and reasons for such non-compliance;
 - (f) a statement by the chairperson of the Town Vending Committee, in relation to the activities and performance of the Town Vending Committee;
 - (g) a statement which any member of the Town Vending Committee may wish to include;
 - (h) the statement of accounts in relation to the implementation of the Act certified by a government auditor.
- (3) Prior to the commencement of each year, the local authority shall, in consultation with the Town Vending Committee, determine the systems to be used to accurately measure the implementation of the Act:

Provided, the systems determined must–

- (a) promote transparency;
- (b) provide objective methods of measurement where possible;
- (c) provide subjective methods of measurement where objective measurements are not possible.

30A. Reports and audited accounts, to be laid before the elected body of a local authority

The following reports shall lie before the elected body of the local authority, headed by Mayor, President or the Chairman, as the case may be.

- (a) annual report of the local authority under sub-section (1) of section 30;
- (b) annual report of the Town Vending Committee under sub-section (1) of section 30;
- (c) annual report of the Grievance Redressal Cell under sub-section (3) of section 20H
- (d) audited report of the Grievance Redressal Cell together with the certified accounts under sub-section (4) of section 20I

30 Promotional measures

The appropriate Government may, in consultation with the Town Vending Committee, local authority, planning authority and association of street vendors or unions, promotional measures of making available credit, insurance and other welfare schemes of social security for the street vendors.

31. Research, training and awareness

The appropriate Government may, to the extent of availability of financial and other resources,—

- (a) organise capacity building programmes to enable the street vendors to exercise the rights contemplated under this Act;
- (a) undertake research, education and training programmes to advance knowledge and understanding of the role of the informal sector in the economy, in general and the street vendors, in particular and to raise awareness among the public through the Town Vending Committee.

32. Act to have an overriding effect

The provisions of this Act shall have effect notwithstanding anything inconsistent there in contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

33. Powers to delegate

The appropriate Government may, by general or special order in writing, delegate such of its powers and functions under this Act (excluding the power to frame scheme under section 38 and power to make rules under section 36), as it may deem necessary, to the local authority or the Town Vending Committee or any other officer, subject to such conditions, if any, as may be specified in that order.

34. Power to amend Schedules

- (1) On the recommendations made by the appropriate Government or otherwise, if the Central Government is satisfied that it is necessary or expedient so to do, it may, by notification, amend the Schedules and thereupon the First Schedule or the Second Schedule, as the case may be, shall be deemed to have been amended accordingly.
- (2) A copy of every notification issued under sub-section (1), shall be laid before each House of Parliament as soon as may be after it is issued.

35. Power to make rules

- (1) The appropriate Government shall, within one year from the date of commencement of this Act, by notification, make rules for carrying out the provisions of this Act.
- (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—
 - (a) the age for street vending under sub-section (1) of section 4;
 - (ab.) the manner of making applications to the Town Vending Committee and the local authority for disposal under section 11 A
 - (b) the allowances and salaries payable to, and terms and conditions of service of the ombudsperson(s) and senior ombudsperson appointed under sub-section (2) of section 20A.
 - (c) the allowances and salaries payable to, and the terms and conditions of the officers and other employees appointed under sub-section (2) of section 20B.
 - (d) the model procedure for the Grievance Redressal Cell under sub section (1) of section 20C in accordance with the principles of natural justice and in the interests of procedural efficiency.
 - (e) the powers of the ombudsperson(s) and the senior ombudsperson under clause (f) of section 20D.
 - (f) the amount of fine payable for the wilful non-compliance of the order of ombudsperson(s) and the senior ombudsperson under sub-section (5) of section 20E.
 - (g) the manner of preparing annual financial statements of accounts by the Grievance Redressal Cell and the intervals at which such accounts shall be audited under sub-section (2) and sub-section (3) of section 20I respectively.
 - (i) the term of, and the manner of constituting, the Town Vending Committee under sub-section (1) of section 22;
 - (ii) the number of other members of the Town Vending Committee under clause (b) of sub-section (2) of section 22;
 - (iii) the allowances to Chairperson and members under sub-section (3) of section 22;
 - (iv) the time and place for meeting, procedure for transaction of business at meetings and functions to be discharged by the Town Vending Committee under section 23;
 - (v) the manner and the purpose for which a person may be associated under sub-section (1) of section 24;

- (vi) the allowances to be paid to an associated person under sub-section (2) of section 24;
 - (vii) the other employees of Town Vending Committee under section 25;
 - (viii) the manner of maintaining up to date record of all street vendors under sub-section (2) of section 26;
 - (ix) the form for furnishing the annual report under section 30;
 - (x) the manner of publishing summary of scheme under sub-section (2) of section 38.
- (3) Every rule and scheme made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or scheme or both Houses agree that the rule or scheme should not be made, the rule or scheme shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or scheme.
- (4) Every rule or scheme made by the State Government under this Act shall, as soon as may be after it is made, be laid before each House of the State Legislature where there are two Houses, and where there is one House of the State Legislature, before that House.
- (5) The appropriate Government shall review all rules and schemes made under this Act within five years of being notified.
- (6) The review must consist of -
- (a) an ex post costs-benefits analysis;
 - (b) an analysis of the judicial interpretations of the regulations; and
 - (c) an analysis of the applicability of the regulations to a change in circumstances, if any,
- (7) Every review under this section must be tabled before the state Legislature.
- (8) The appropriate government must publish the review within 60 days of being tabled before the State Legislature.

36. Power to make bye-laws

- (1) Subject to the provisions of this Act or any rule or scheme made thereunder, the local authority may make bye-laws to provide for all or any of the following matters, namely:—
- (a) determination of monthly maintenance charges for the civic amenities and

- facilities in the vending zones under section 17;
- (b) determination of penalty under sub-section (5) of section 18 and section 28;
 - (c) the regulation of the collection of fees in the vending zones;
 - (d) the regulation of civic services in the vending zones; and
 - (e) the regulation of such other matters in the vending zones as may be necessary.
- (2) The local authority shall make the draft bye-laws available to the public for comments for a period of thirty days.
 - (3) The draft bye-laws must clearly state –
 - (a) the provisions of the Act under which it is proposed to be issued;
 - (b) its objectives; and
 - (c) the issue it seeks to address.
 - (4) The local authority must publish all the comments received on the draft byelaws and consider them before publishing the final bye-laws.

37. Scheme for street vendors

- (1) For the purposes of this Act, the appropriate Government shall frame a scheme, within six months from the date of commencement of this Act, after due consultations with the local authority and the Town Vending Committee, by notification, which may specify all or any of the matters provided in the Second Schedule.
- (2) A summary of the scheme notified by the appropriate Government under sub-section (1) shall be published by the local authority in at least two local newspapers in such manner as may be prescribed.

38. Power to remove difficulties

- (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not in consistent with the provisions of this Act, as appear to it to be necessary expedient for removing the difficulty:

Provided that no order shall be made under this section after expiry of three years from the commencement of this Act.

- (2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

THE FIRST SCHEDULE

(See section 17A)

(1) Duties and responsibilities of the local authority:—

- (a) The local authority shall strive to ensure access to basic civic amenities and facilities including electricity, water and drainage to a street vendor as extended to a temporary kiosk or booth set up, run or licensed by the appropriate government, local authority, state dairy or any other government agency.
- (b) The local authority shall not apply any condition or restriction to street vendors that is not applicable to a temporary kiosk set up, run or licensed by the appropriate government, local authority, state dairy or any other government agency.
- (c) The local authority in association with Food Safety and Standards Authority of India (FSSAI) and civil society shall promote the heritage bazaars by facilitating festive events.
- (d) The local authority shall strive to promote self-compliance among street vendors in the matters of cleanliness and hygiene rather than deterrence through penalties.
- (e) The local authority shall facilitate a street vendor's ease of doing business by following due process and procedural efficiency.

(2) Duties and responsibilities of the Town Vending Committee:—

- (a) The Town Vending Committee shall work with the association of street vendors to promote self-compliance among street vendors in the matters of cleanliness and hygiene.
- (b) The Town Vending Committee shall allow an association of street vendors to deposit consolidated vending fees for a group of vendors and conduct the street vendor elections.
- (c) The Town Vending Committee shall encourage an association of street vendors to conduct a survey of the vending zone and submit the survey to the town vending committee for approval.

(3) Duties and the responsibilities of the Police and the Traffic Police:—

- (a) The traffic police in consultation with the planning authority shall designate vehicle-free lanes and schedule vehicle-free hours in natural markets and heritage markets..
- (b) The police shall not evict or relocate a street vendor without a written order from the local authority and in the absence of the concerned official of local authority.

THE SECOND SCHEDULE

(See section 38)

Matters to be provided in the Scheme for Street Vendors framed by the appropriate Government:—

- (a) the manner of conducting survey;
- (b) the period within which certificate of vending shall be issued to the street vendors identified under the survey;
- (c) the form and the manner in which the certificate of vending may be issued to a street vendor;
- (d) the form and manner of issuing identity cards to street vendors;
- (e) the criteria for issuing certificate of vending to street vendors;
- (f) the formula for the vending fees to be paid which may be different for different zone/wards/cities and different categories of vending;
- (g) the manner of collecting, through banks, counters of local authority, and counters of Town Vending Committee and a local association of street vendors vending fees, maintenance charges and penalties for registration, use of parking space for mobile stalls and availing of civic services;
- (h) the period of validity of certificate of vending;
- (i) the period for which and the manner in which a certificate of vending may be renewed and the fees for such renewal;
- (j) the manner and the period for which the certificate of vending may be suspended or cancelled;
- (k) the categories of street vendors other than stationery vendors and mobile vendors;
- (l) the other categories of persons for preference for issue of certificate of vending;
- (m) the public purpose for which a street vendor may be relocated and the manner of relocating street vendor;
- (n) the manner of evicting a street vendor;
- (o) the manner of giving notice for eviction of a street vendor;
- (p) the manner of evicting a street vendor physically on failure to evict;
- (q) the manner of seizure of goods by the local authority, including preparation and issue of list of goods seized;
- (r) the manner of reclaiming seized goods by the street vendor and the fees for the same;
- (s) the form and the manner for carrying out social audit of the activities of Town Vending Committee;

- (t) the designation of State Nodal Officer for coordination of all matters relating to street vending at the state level;
- (u) the manner of maintenance of proper records and other documents by the Town Vending Committee, local authority, planning authority and State Nodal Officer in respect of street vendors;
- (v) the manner of carrying out vending activities on time-sharing basis;
- (w) the manner of undertaking comprehensive census and survey;
- (x) any other matter which may be included in the scheme for carrying out the purposes of this Act.



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